

**REMARKS**

Applicant submits herewith amendments to the specification to correct a typographical error in Applicant's specification amendments filed in Paper No. 10, dated February 17, 2004.

Claims 14, 23, 42, and 43 are amended. No new claims are added. Claims 1-49 are pending for consideration. In view of the following remarks, Applicant respectfully requests that this application be allowed and forwarded on to issuance.

## The § 102 Rejections

Claims 14, 15, 17, 19-21, 23, 24, 27-29, 43-45, and 47-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WIPO Patent Application No. 99/01969 to Xu et al. (hereinafter “Xu”).

## The § 103 Rejections

Claims 1-6, 8-13, 16, 22, 26, 33-42, and 46 stand rejected under § 103(a) as being unpatentable by Xu in view of U.S. Patent No. 6,243,754 to Guerin et al (hereinafter “Guerin”).

Claim 7 stands rejected under § 103(a) as being unpatentable by Xu in view of Guerin and U.S. Patent No. 5,742,763 to Jones (hereinafter “Jones”).

Claim 18 stands rejected under § 103(a) as being unpatentable by Xu in view of Jones.

1           Claim 25 stands rejected under § 103(a) as being unpatentable by Xu  
2 in view of U.S. Patent No. 6,145,002 to Srinivasan (hereinafter  
3 “Srinivasan”).

4           Claim 30 stands rejected under § 103(a) as being unpatentable by Xu  
5 in view of WIPO Application No. 98/32254 to Scholnick et al (hereinafter  
6 “Scholnick”).

7           Claims 31 and 32 stand rejected under § 103(a) as being  
8 unpatentable by Xu in view of U.S. Patent No. 5,742,598 to Dunn et al  
9 (hereinafter “Dunn”).

10

11           **Double Patenting Rejection**

12           Claims 1-49 stand provisionally rejected under the judicially-created  
13 doctrine of obviousness-type double patenting as being unpatentable over  
14 claims 1-43, 46, 48-58, and 78-87 of copending Application No.  
15 09/565,558 in view of Xu, Guerin, Jones, Srinivasan, and Dunn. Applicant  
16 respectfully requests the Office to hold this rejection in abeyance until  
17 indication of allowable subject matter.

18

19           **Claims 1-13**

20           **Claim 1** recites an authentication system comprising [emphasis  
21 added]:

22           • a host network configured to provide access to the Internet  
23 from a public location;  
24           • at least one authentication component communicatively  
25 linked with the host network and configured to enable  
authentication of individual users so that they can access the  
Internet through the host network, authentication being  
configured to take place in a manner that is *independent of*

*any user affiliation with any Internet Service Providers (ISPs);*

- at least one access module communicatively linked with the one authentication component and configured to enable a user to access the host network; and
- an authentication database communicatively linked to the host network and containing user information that can be used to authenticate a user.

In making out the rejection of claim 1, the Office argues that the subject matter of this claim is rendered obvious by the combination of Xu and Guerin. Applicant respectfully but strongly disagrees.

The Office concedes that “Xu does not disclose that any user not existing[sic] a preexisting affiliation may gain access.” In its “Response to Arguments,” the Office further concedes that “it would be impossible for the invention as disclosed by Xu to be used by a user who did not have a pre-existing account with at least one ISP with which the invention is communicatively connected.” Applicant agrees.

However, the Office argues that “the network selection system disclosed by Guerin allows for a user to select an ISP without having any pre-existing ISP affiliation, using a direct channel to another user providing ISP information before selecting a provider.” In support of its argument, the Office cites to column 5, lines 23-34, of Guerin, reproduced below [emphasis added]:

Thus an aspect of the present invention is to provide a method for an originating site to select a specific provider from a plurality of providers, for a set of application data for a called site. The method includes of the following steps:

**1. An originating site establishes a control channel to a called site.** Using the control channel, the two sites

1                   communicate setup parameters for the exchange of a set of  
2 application data.

3                   2. The originating site selects a specific provider to handle  
4 this exchange of application data.

5                   3. The originating site communicates the selection of the  
6 specific provider to the called site using the control channel.

7                   Applicant respectfully submits that establishing a control channel to

8 the called site requires connectivity to that called site. The Office refers to a  
9 “direct channel” between the users at each site, but Applicant is unclear to  
10 what the Office is referring. As shown in Guerin’s Fig 1, the two sites, 101  
11 and 103, may achieve connectivity through either provider network 105 or  
12 provider network 107. There appears to Applicant to be no “direct channel”  
13 between users at the two sites, 101 and 103. Rather, establishing the control  
14 channel necessitates using one of the two provider networks, both with  
15 which the user apparently has an affiliation. Guerin elaborates on this in  
column 3, lines 14-29, reproduced below [emphasis added]:

16                   In step 203, the router at the originating site establishes a  
17 control channel to the router at the called site. After the  
18 establishment of the control channel, the two sites may  
19 exchange some control information *such as the list of valid*  
20 *service providers at each site*, and any performance or cost  
21 characteristics associated with the list of *valid* service  
22 providers. In step 205, the originating site selects an  
23 appropriate service provider from the different possible  
24 choices. A variety of criteria such as cost, quality of service,  
25 *preestablished business contracts* etc. may be used for  
selecting the service provider. In step 207, the originating site  
communicates its selection of the service provider to the  
called site. Along with the choice of the provider, parameters  
such as a specific address in the domain of the selected  
provider, which would be used for *data* exchange, may be  
communicated to the called site.

1           Applicant respectfully submits that Guerin's system is ***not***  
2 ***independent*** of ***any*** user affiliation with ***any*** ISPs. Rather, in order to  
3 establish a control channel, Guerin's system appears to ***require*** use of an  
4 ISP with which the user ***is*** affiliated. Then, in order to perform the data  
5 exchange, Guerin's system appears to allow a choice from among a ***list of***  
6 ***ISPs with which the user is affiliated.***

7           Therefore, Guerin teaches ***directly away*** from Applicant's claimed  
8 subject matter by ***requiring user affiliation*** with an ISP. Accordingly, for  
9 at least this reason, this claim is allowable.

10           **Claims 2-13** depend from claim 1 and, as such, are allowable as  
11 depending from an allowable base claim. These claims are also allowable  
12 for their own recited features which, in combination with those recited in  
13 claim 1, are neither shown nor suggested the references of record, either  
14 alone or in combination with one another. Moreover, with respect to **claim**  
15 **7**, the addition of the Jones reference is not seen to add anything of  
16 significance, given the allowability of claim 1.

17  
18           **Claims 14-22**

19           As amended, **claim 14** recites an authentication system for providing  
20 authentication for users who desire to access the Internet, the system  
21 comprising [amended language appears in bold italics]:

22

23           • at least one host organization network configured to access  
24 the Internet, the host organization network comprising one or  
25 more subnets each of which comprising:

- 1                   ○ at least one server configured to receive data packets from  
2                   individual client computing devices and transmit the data  
3                   packets to the Internet; and
- 4                   ○ a plurality of public access points each of which  
5                   configured to receive wireless communication from a user  
6                   that is using a client computing device to wirelessly  
7                   transmit data packets that are intended for the Internet and  
8                   provide the wirelessly transmitted data packets to the one  
9                   server before the data packets are transmitted to the  
10                  Internet; and
- 11                 ● at least one globally accessible authentication database that  
12                 contains information that can be used by the database to  
13                 authenticate a user without requiring the user to be affiliated  
14                 with ***at least one*** Internet Service Provider (ISP).

1                 Applicant has amended this claim to clarify that authentication of a  
2                 user does ***not*** require the user to be affiliated with ***at least one ISP***. In  
3                 making out the rejection of claim 14, the Office argues that Xu anticipates  
4                 this claim. Applicant respectfully but strongly disagrees. As the Office  
5                 concedes in its “Response to Arguments”, it would be ***impossible*** to use  
6                 Xu’s system unless the user is affiliated with ***at least one ISP***. Accordingly,  
7                 for at least this reason, this claim is allowable.

8                 **Claims 15-22** depend from claim 14 and, as such, are allowable as  
9                 depending from an allowable base claim. These claims are also allowable  
10                for their own recited features which, in combination with those recited in  
11                claim 14, are neither shown nor suggested by Xu, either singly or in  
12                combination with any of the references of record. Moreover, with respect  
13                to **claims 16, 18, and 22**, the addition of the Guerin and Jones references is  
14                not seen to add anything of significance, given the allowability of claim 14.

15  
16                 **Claims 23-33**

1           As amended, **claim 23** recites an authentication system for providing  
2 authentication for users who desire to access the Internet, the system  
3 comprising [amended language appears in bold italics]:

4

- 5           • multiple wireless nodes through which the Internet can be  
      accessed;
- 6           • multiple access points with which the wireless nodes can  
      communicate;
- 7           • a server configured to receive wireless communication from  
      the multiple access points, the server configured to enable  
      authentication of various users; and
- 8           • at least one global authentication database that contains user  
      information that can be used to authenticate the users without  
      requiring the user to be affiliated with ***at least one*** Internet  
10       Service Provider (ISP).

11

12       Applicant has amended this claim to clarify that authentication of a  
13 user does ***not*** require the user to be affiliated with ***at least one ISP***. In  
14 making out the rejection of claim 23, the Office argues that Xu anticipates  
15 this claim. Applicant respectfully but strongly disagrees. As the Office  
16 concedes in its “Response to Arguments”, it would be ***impossible*** to use  
17 Xu’s system unless the user is affiliated with ***at least one ISP***. Accordingly,  
18 for at least this reason, this claim is allowable.

19       **Claims 24-33** depend from claim 23 and, as such, are allowable as  
20 depending from an allowable base claim. These claims are also allowable  
21 for their own recited features which, in combination with those recited in  
22 claim 23, are neither shown nor suggested by the references of record,  
23 either singly or in combination with one another. Moreover, with respect to  
24 **claims 25, 26, and 30-33**, the addition of the Srinivasan, Guerin,  
25

1 Scholnick, and Dunn references is not seen to add anything of significance,  
2 given the allowability of claim 23.

3

4 **Claims 34-41**

5 **Claim 34** recites a method of authenticating a user for Internet  
6 access, the method comprising [emphasis added]:

- 7 • establishing a communication link between a mobile  
8 computing device and a server that is configured to provide  
9 Internet access;
- 10 • contacting a global authentication database that contains user  
11 information that can be used to authenticate one or more  
12 users;
- 13 • authenticating a user using the information that is contained  
14 in the global authentication database, *independent of any  
user affiliation with any Internet Service Providers (ISPs)*;
- 15 • notifying the server that the user has been authenticated; and
- 16 • issuing a unique token to the user for use when sending data  
17 packets to the server for transmission to the Internet.

18 In making out the rejection of claim 34, the Office argues that the  
19 subject matter of this claim is rendered obvious by the combination of Xu  
20 and Guerin. Applicant respectfully but strongly disagrees.

21 The Office concedes that “Xu does not disclose that any user not  
22 existing[sic] a preexisting affiliation may gain access.” In its “Response to  
23 Arguments,” the Office further concedes that “it would be impossible for  
24 the invention as disclosed by Xu to be used by a user who did not have a  
25 pre-existing account with at least one ISP with which the invention is  
communicatively connected.” Applicant agrees.

1        However, the Office argues that “the network selection system  
2 disclosed by Guerin allows for a user to select an ISP without having any  
3 pre-existing ISP affiliation, using a direct channel to another user providing  
4 ISP information before selecting a provider.” In support of its argument, the  
5 Office cites to column 5, lines 23-34, of Guerin, reproduced above.

6        Applicant respectfully submits that establishing a control channel to  
7 the called site requires connectivity to that called site. The Office refers to a  
8 “direct channel” between the users at each site, but Applicant is unclear to  
9 what the Office is referring. As shown in Guerin’s Fig 1, the two sites, 101  
10 and 103, may achieve connectivity through either provider network 105 or  
11 provider network 107. There appears to Applicant to be no “direct channel”  
12 between users at the two sites, 101 and 103. Rather, establishing the control  
13 channel necessitates using one of the two provider networks, both with  
14 which the user apparently has an affiliation. Guerin elaborates on this in  
15 column 3, lines 14-29, also reproduced above.

16        Applicant respectfully submits that Guerin’s system is ***not***  
17 ***independent*** of ***any*** user affiliation with ***any*** ISPs. Rather, in order to  
18 establish a control channel, Guerin’s system appears to ***require*** use of an  
19 ISP with which the user ***is*** affiliated. Then, in order to perform the data  
20 exchange, Guerin’s system appears to allow a choice from among a ***list of***  
21 ***ISPs with which the user is affiliated.***

22        Therefore, Guerin teaches ***directly away*** from Applicant’s claimed  
23 subject matter by ***requiring user affiliation*** with an ISP. Accordingly, for  
24 at least this reason, this claim is allowable.

25

1       **Claims 35-41** depend from claim 34 and, as such, are allowable as  
2 depending from an allowable base claim. These claims are also allowable  
3 for their own recited features which, in combination with those recited in  
4 claim 34, are neither shown nor suggested by the references of record,  
5 either singly or in combination with one another.

6

7       **Claim 42**

8       As amended, **claim 42** recites one or more computer-readable media  
9 having computer-readable instructions thereon which, when executed by  
10 one or more computers, cause the computers to [amended language appears  
11 in bold italics]:

12

- 13       • establish a wireless communication link between a mobile  
computing device and a server that is configured to provide  
Internet access;
- 14       • contact a global authentication database that contains user  
information that can be used to authenticate one or more  
users;
- 15       • authenticate a user using the information that is contained in  
the global authentication database, independent of requiring  
the user to be affiliated with *any* Internet Service Provider  
(ISP);
- 16       • notify the server that the user has been authenticated; and
- 17       • issue a unique token to the user for use when sending data  
packets to the server for transmission to the Internet.

20

21       Applicant has amended this claim to clarify that authenticating a  
22 user is *independent* of requiring the user to be affiliated with *any ISP*. In  
23 making out the rejection of claim 42, the Office argues that the subject

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25

1 matter of this claim is rendered obvious by the combination of Xu and  
2 Guerin. Applicant respectfully but strongly disagrees.

3 The Office concedes that “Xu does not disclose that any user not  
4 existing[sic] a preexisting affiliation may gain access.” In its “Response to  
5 Arguments,” the Office further concedes that “it would be impossible for  
6 the invention as disclosed by Xu to be used by a user who did not have a  
7 pre-existing account with at least one ISP with which the invention is  
8 communicatively connected.” Applicant agrees.

9 However, the Office argues that “the network selection system  
10 disclosed by Guerin allows for a user to select an ISP without having any  
11 pre-existing ISP affiliation, using a direct channel to another user providing  
12 ISP information before selecting a provider.” In support of its argument, the  
13 Office cites to column 5, lines 23-34, of Guerin, reproduced above.

14 Applicant respectfully submits that establishing a control channel to  
15 the called site requires connectivity to that called site. The Office refers to a  
16 “direct channel” between the users at each site, but Applicant is unclear to  
17 what the Office is referring. As shown in Guerin’s Fig 1, the two sites, 101  
18 and 103, may achieve connectivity through either provider network 105 or  
19 provider network 107. There appears to Applicant to be no “direct channel”  
20 between users at the two sites, 101 and 103. Rather, establishing the control  
21 channel necessitates using one of the two provider networks, both with  
22 which the user apparently has an affiliation. Guerin elaborates on this in  
23 column 3, lines 14-29, also reproduced above.

24 Applicant respectfully submits that Guerin’s system is ***not***  
25 ***independent*** of requiring the user to be affiliated with ***any*** ISP. Rather, in

1 order to establish a control channel, Guerin's system appears ***dependent on***  
2 ***requiring*** use of an ISP with which the user *is* affiliated. Then, in order to  
3 perform the data exchange, Guerin's system appears to allow a choice from  
4 among a ***list of ISPs with which the user is affiliated.***

5 Therefore, Guerin teaches ***directly away*** from Applicant's claimed  
6 subject matter by ***requiring user affiliation*** with an ISP. Accordingly, for  
7 at least this reason, this claim is allowable.

8

9 **Claims 43-49**

10 As amended, **claim 43** recites a method of authenticating a user for  
11 Internet access, the method comprising [amended language appears in bold  
12 italics]:

- 13 • configuring multiple access points to receive wireless  
14 communication from multiple wireless nodes through which  
15 the Internet can be accessed, the multiple wireless nodes  
16 being capable of communicating data packets that are  
17 intended for transmission to the Internet;
- 18 • configuring a server to wirelessly receive the data packets that  
19 are communicated to the multiple access points; and
- 20 • configuring a globally accessible database that includes  
21 information that can be used to authenticate one or more users  
22 that desire to access the Internet, authentication taking place  
23 in a manner that does not require the one or more users to be  
24 affiliated with ***at least one*** Internet Service Provider (ISP).

25 Applicant has amended this claim to clarify that authentication of a  
user does ***not*** require the user to be affiliated with ***at least one ISP***. In  
making out the rejection of claim 43, the Office argues that Xu anticipates  
this claim. Applicant respectfully but strongly disagrees. As the Office

1 concedes in its "Response to Arguments", it would be *impossible* to use  
2 Xu's system unless the user is affiliated with *at least one ISP*. Accordingly,  
3 for at least this reason, this claim is allowable.

4 **Claims 44-49** depend from claim 43 and, as such, are allowable as  
5 depending from an allowable base claim. These claims are also allowable  
6 for their own recited features which, in combination with those recited in  
7 claim 43, are neither shown nor suggested by Xu, either singly or in  
8 combination with any of the references of record. Moreover, with respect to  
9 **claim 46**, the addition of the Guerin reference is not seen to add anything of  
10 significance, given the allowability of claim 43.

11

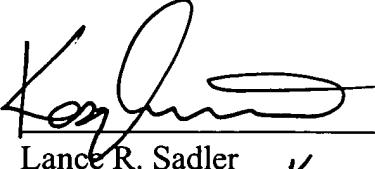
12 **Conclusion**

13 All of the claims are in condition for allowance. Accordingly,  
14 Applicant requests a Notice of Allowability be issued forthwith. If the  
15 Office's next anticipated action is to be anything other than issuance of a  
16 Notice of Allowability, Applicant respectfully requests a telephone call for  
17 the purpose of scheduling an interview.

18

19 Respectfully submitted,

20 Dated: 6-10-04

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